

JOHN McMAHON, SHERIFF-CORONER



November 6, 2014

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FCC Mail Room

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket No. 12-375

Dear Secretary Dortch,

The San Bernardino County Sheriff's Department (SBCSD) welcomes the opportunity to comment on the FCC's proposed *Rates for Interstate Inmate Calling* (WC 12-375). San Bernardino County is geographically the largest county in the United States, covering over 20,000 square miles of land. SBCSD comprises the second largest corrections system in California, with an average daily population (ADP) of 6,200 incarcerated individuals.

The Department provides our incarcerated population with the opportunity for educational, vocational, cognitive, alcohol and substance abuse, workforce development, community re-entry, and life-skills programs through SBCSD's Inmate Services Unit (ISU). ISU also provides for enhanced medical, nursing, and medical social work services beyond the state's requirements. Funding for benefit programs is solely through the Inmate Welfare Fund (IWF)—inmate programs are all funded by inmate generated revenues, and not by taxpayer dollars. Services and programs are provided through collaborative efforts with the California State University at San Bernardino, San Bernardino Superintendent of Schools, Chaffey Adult School, San Bernardino County Department of Workforce Development, along with professional staff at ISU.

California Penal Code Section 4025 statutorily mandates revenues generated from inmate telephone and commissary commissions be deposited into the IWF. Revenues are to be used for the direct benefit of inmates such as recreation, enhanced medical services, and programs. FCC's (WC 12-375) proposal would dramatically reduce the Department IWF revenues by 52%. The impact would shock existing programs, services, goods and availability for our Department's incarcerated population, therefore rendering programs to become less effective and available.

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Direct Budgetary Impacts to SBCSD

The primary responsibility of corrections is to ensure facility, staff safety, inmate welfare and security. Monitoring of inmate calls by corrections staff and Department investigators have prevented a large number of assaults on staff and inmates, along with safeguarding witnesses, and uncovering escape plans. Call monitoring is both labor and time intensive—but it is a vital responsibility in operating inmate call systems (ICS). SBCSD's expenditures directed toward *Safety and Security* are approximately **\$456,000** per year. In addition, ICS Providers either possess or contract out investigative tools and analytics to assist corrections staff and Department investigators with the task of ensuring *Safety and Security*. The FCC's proposal identifies necessary investigative tools as *commissions-in-kind*, therefore eliminating ICS Providers from including them in competitive packages, and placing the additional expense on SBCSD. SBCSD estimates costs to the Department would be **\$271,700** annually to include the necessary features. Total annual expenditures for the Department to ensure facility, staff safety, inmate welfare and security will be **\$727,700**.

All of SBCSD's recreation, education, enhanced medical services, and community re-entry programs, along with goods and services are paid through the IWF. To operate on a "status-quo" basis, IWF expenditures are currently at **\$5,671,213**. Implementation of FCC's proposal would result in a 52% reduction in IWF's revenues, equating to **\$2,450,000** annually. Due to statutory mandates, along with higher and varied classifications of inmates in the Department's correctional system, the level of services will likely increase to provide inmate and community integration programs for all incarcerated individuals within county jails.

Included in *commissions-in-kind* are the State's statutorily required free calls. Toll free calls for recently booked arrestees are mandated by California Penal Code Section 851.5. The Department also extends free calls to inmates' attorneys and consulates. Traditionally, free calls were part of ICS competitive packages. The FCC proposal, however, would eliminate this option. Expenditures for free calls would be transferred to SBCSD's budget at the estimated amount of **\$345,600** annually.

In total, direct impacts to SBCSD's correctional budget would significantly increase expenditures in the amount of **\$3,523,300** yearly just to operate at "status-quo" levels, disregarding additional unfunded statutory mandates, program/service technology upgrades, and increased service requests from the incarcerated population.

Operations and Equipment	Anticipated Annual Expenditures
<i>Safety and Security</i>	\$456,000
<i>Investigative and Analytic Tools</i>	\$271,700
<i>Cost for Free Calls</i>	\$345,600
<i>Loss of ICS Commissions</i>	\$2,450,000
Annual Expenditures to SBCSD	\$3,523,300

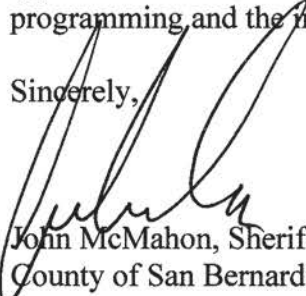
Secretary Marlene H. Dortch
WC Docket No. 12-375

The Commission has requested comments regarding the implementation timelines for *Rates for Interstate Inmate Calling* (WC 12-375). In California, commissions from ICS Providers generally constitute 50% or greater of IWFs' total revenues to provide direct inmate benefit programs, as well as goods and services.

In 2007, Senate Bill 81 (SB-81) was implemented by the California State Legislature. In response, the California Department of Corrections and Rehabilitation (CDCR) decided to eliminate all monetary commissions from ICS Providers. CDCR was given a four-year implementation schedule and transition period to properly adjust for organizational budgets, program assessment, and to make adjustments regarding management and staffing impacts. California possess a larger resource capacity than SBCSD, or the County of San Bernardino to recover from a 52% revenue reduction.

SBCSD highly recommends the FCC provide the 58 California Sheriff's Departments a similar time period as was afforded to SB-81 to implement and transition *Rates for Interstate Inmate Calling* (WC 12-375). Overall, the San Bernardino County Sheriff's Department opposes the approval of WC 12-375 based upon the negative impacts anticipated with the delivery of inmate programming and the increased burden on an already strained county budget.

Sincerely,



John McMahon, Sheriff-Coroner
County of San Bernardino